

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, May 4, 2006

Back

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION**

#35

Subject: C14-06-0008 - Crestview Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 918-920 Banyon Street (Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Applicant: Crestview Station DS Land, L.P. (James H. Matoushak). Agent: Drenne+Golden, Stuart, Wolff, L.L.P. (Michele Haussmann). City Staff: Jorge E. Rousselin, 974-2975.

<p>Additional Backup Material</p> <p>(click to open)</p> <p><input type="checkbox"/> Staff Report</p>

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET

CASE: C14-06-0008

P.C. DATE: March 28, 2006

ADDRESS: 918-920 Banyon Street

OWNER: Crestview Station DS Land, LP (James H. Matoushak)

AGENT: Drenner+Golden, Stuart, Wolff, LLP. (Michele Haussmann)

REZONING FROM: CS-NP (Commercial services – neighborhood plan)

TO: CS-MU-NP (Commercial services –mixed use—neighborhood plan) combining district

AREA: 0.500 Acres (21,780 square feet)

SUMMARY PLANNING COMMISSION RECOMMENDATION:

March 28, 2006:

APPROVED STAFF'S RECOMMENDATION FOR CS-MU-NP DISTRICT ZONING; BY CONSENT.

[D.SULLIVAN, J.REDDY 2ND] (9-0)

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-MU-NP. The recommendation is based on the following considerations:

- 1.) No change to base district is proposed other than a mixed-use overlay;
- 2.) A Neighborhood Plan Amendment is not required as the proposed land use is in conformance with the Future Land Use Map for the Crestview/Wooten Neighborhood Planning Area which allows a diversification of land uses;
- 3.) The proposed mixed-use overlay is compatible with adjacent land uses proposed for the redevelopment of Crestview Station; and
- 4.) Established neighborhoods surround the Crestview Station redevelopment area which allow for a development of a variety of residential land uses.

DEPARTMENT COMMENTS:

The subject property is a 0.5 acre (21,780 square feet) site of vacant buildings zoned CS-NP. The property was rezoned on April 1, 2004 by Ordinance No. 040401-32B from CS to CS-NP. No conditions were placed on the subject property. The applicant seeks to add a mixed-use overlay to the subject property to facilitate residential development. Single-family residences are proposed on the site at an approximate density of 30 units per acre. Access to the site is proposed via a private street. Abutting the subject tract, there is LI-PDA zoning which will be developed as single-family and town homes.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-NP	Vacant buildings
North	LI-PDA-NP	Undeveloped land
South	LI-PDA-NP	Vacant buildings (former Chemical Plant)
East	LI-PDA-NP	Vacant buildings
West	LI-PDA-NP	Undeveloped land

NEIGHBORHOOD PLAN AREA:
Crestview Neighborhood Planning Area

TIA: Waived (See Transportation comments)

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

93--Crestview Neighborhood Assn.
283--North Austin Neighborhood Alliance
511--Austin Neighborhoods Council
741--Crestview/Wooten Combined Neighborhood Planning Team - COA Liaison
742--Austin Independent School District

SCHOOLS:

Austin Independent School District

- Brentwood Elementary School
- Lamar Middle School
- McCallum High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0004.002	CRESTVIEW / WOOTEN NEIGHBORHOOD PLAN COMBINING DISTRICT (CITY INITIATED)	02/10/04: APVD STAFF REC OF NP (6-0) WITH REQUEST THAT THERE BE FURTHER DISCUSSION BETW THE NEIGH AND P/O'S FOR PROPERTIES W/DISPUTES.	03/04/04: APVD (6-0); 1ST RDG. 04/01/04: APVD AS GRANTED ON 1ST RDG (6-0) W/EXCEPTIONS
C8-56-028	NORTHERN INDUSTRIAL SUBDIVISION SEC.1	10/17/56: APPROVAL	N/A

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-03-0041	CS to CS-1	02/26/03: DISAPVD CS-1	04/10/03: APVD CS-1-CO

		(6-1 MM-NO).	FOR FOOTPRINT (6-1, RA-NO), PROHIBITED COCKTAIL LOUNGES/AOB; 1ST RDG 05/08/03: APVD CS-1-CO (7-1, RA-NO)
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ABUTTING STREETS:

Name	ROW	Pavement	Classification
Banyon Street	54'	20'	Local
Name	ROW	Pavement	Classification

CITY COUNCIL DATE:

May 4, 2006

ACTION:

ORDINANCE READINGS: 1st

2nd

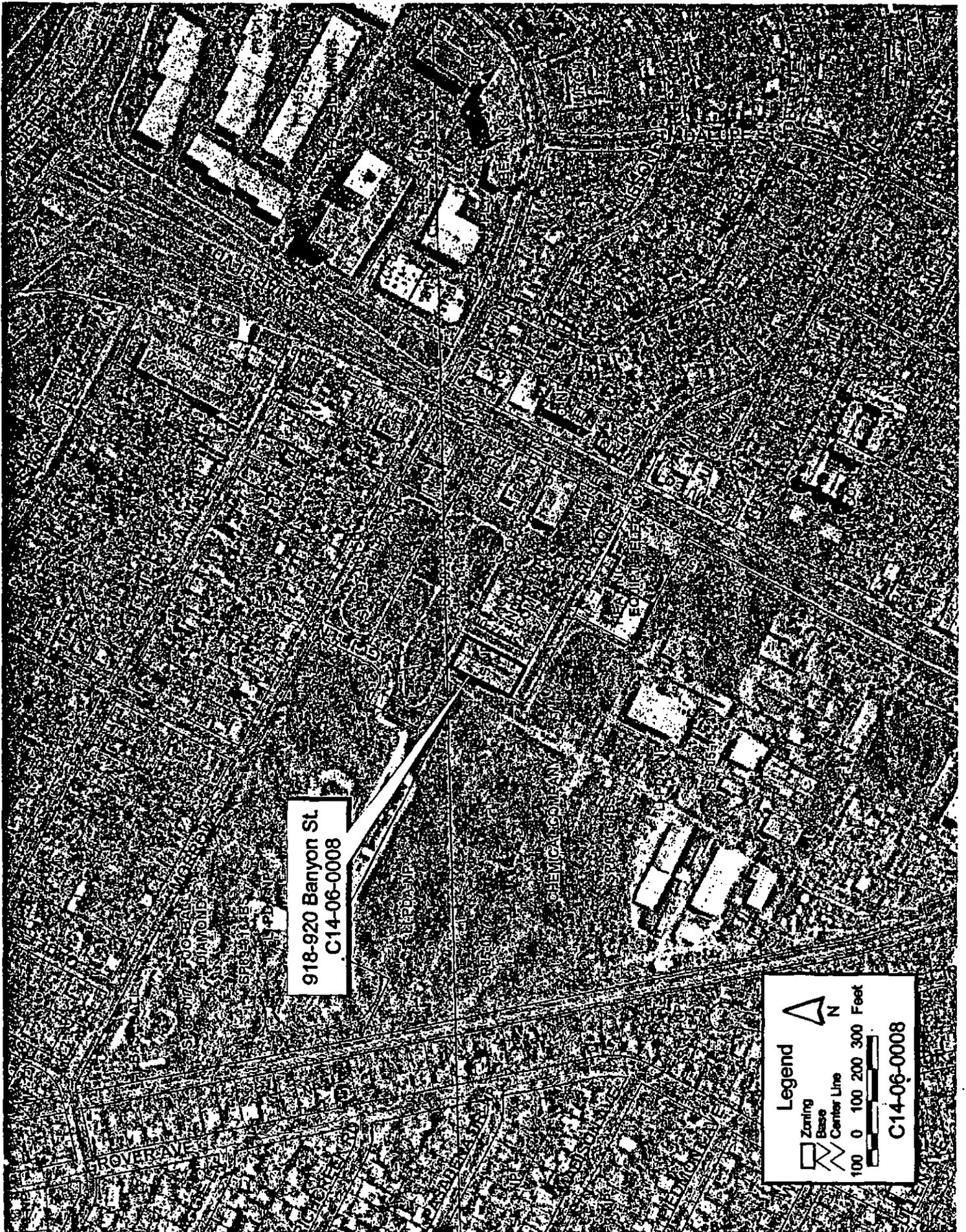
3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



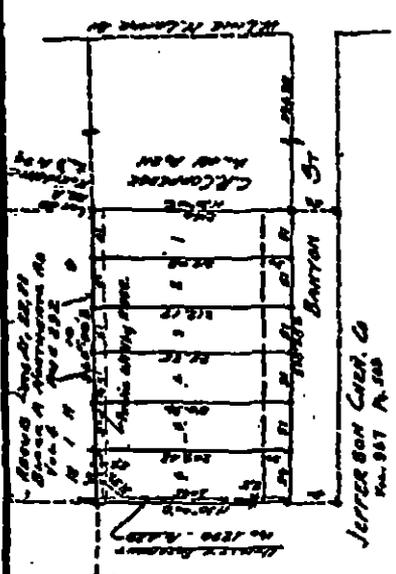
918-920 Banyon St.
C14-06-0008

Legend

▲ N

100 0 100 200 300 Feet

C14-06-0008



NORTHERN INDUSTRIAL SUBDIVISION SEC. 1

SCALE 1" = 100'

LENDING
 2 CONCRETE MONUMENT FOUND
 2 CONCRETE MONUMENT SET
 2 IRON STAKE SET.

REMARKS: THE NEAR FIVE FEET OF ALL LOT IS OBTAINED FOR A PUBLIC UTILITY EASEMENT.

APPROVED FOR ACCEPTANCE: *W. B. Mike Mahan*, DATE *October 17, 1956*
 W. B. MIKE MAHAN, DIRECTOR OF PLANNING

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS, ON THE 17th DAY OF October, A. D. 1956
W. B. Mike Mahan, CHAIRMAN
W. B. Mike Mahan, SECRETARY

THIS IS TO CERTIFY THAT I SURVEYED THIS PROPERTY AND COMPLIED WITH THE SUBDIVISION REQUIREMENTS OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

DATE 9-28 1956 DEALE WAHNEY S. P. 97

NOTE: THE SOUTH THIRTY PART OF THIS SUBDIVISION SHALL BE RESERVED FOR PARKING AND TRAFFIC AND NO STRUCTURE SHALL BE CREATED IN THAT AREA.



STATE OF TEXAS 13
 COUNTY OF TRAVIS: 14
 KNOW ALL MEN BY THESE PRESENTS THAT FREDERICK H. HARRIS, A PRIVATE CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACTION BEING TAKEN THROUGH ITS PRESIDENT, HENRY H. HARRIS, DOES HEREBY COMMISSION 1.5 ACRES OF LAND OUT OF THE CORPUS B. SPEAR LEASE IN TRAVIS COUNTY, TEXAS, HEREBY TO THE SAID FREDERICK HARRIS, INC., BY DEED RECORDED IN VOL. 1707, PAGE 825, BY THE DEED RECORDED IN TRAVIS COUNTY, TEXAS, IN ACCORD WITH THIS PLAT, TO BE KNOWN AS

NORTHERN INDUSTRIAL SUBDIVISION SECTION 1.
 AND DOES HEREBY RESOLVE ALL STREETS, ROADS AND EASEMENTS TO THE USE OF THE PUBLIC, IN AS FAR AS ITS INTEREST MAY AFFECT.

WITNESS OUR HANDS AND THE SEAL OF THE SAID CORPORATION, THIS 16th DAY OF August, A. D. 1956
 FREDERICK HARRIS, INC.
 SECRETARY



STATE OF TEXAS 11
 COUNTY OF TRAVIS: 12
 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED HENRY HARRIS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THE SAME WAS THE ACT AND DEED OF THE SAID CORPORATION, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND THAT HE ASKED IN THE CAPACITY STATED.

WITNESS MY HAND AND SEAL OF OFFICE ON THIS THE 16th DAY OF August, A. D. 1956
 HENRY HARRIS, INC.
 SECRETARY



FILED FOR RECORD ON THE 17 DAY OF Oct
 A. D. 1956, AT 3:04 P.M.
 CHILLIE LINDERS
 CLERK OF THE COUNTY COURT,
 TRAVIS COUNTY, TEXAS



STATE OF TEXAS 11
 COUNTY OF TRAVIS: 12
 I, CHILLIE LINDERS, CLERK OF THE COUNTY COURT WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE DEED AND FOREGOING INSTRUMENT OF DEED WITH ITS CERTIFICATE OF AUTHORIZATION WAS FILED FOR RECORD IN MY OFFICE ON

THE 17 DAY OF Oct A. D. 1956 AT 3:04 P.M.

I, AND ONLY RECORDED ON THE 17 DAY OF Oct A. D. 1956 AT 3:08 P.M. IN THE PLAT RECORDS OF SAID COUNTY IN BOOK B, PAGE 16.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THE DATE LAST WRITTEN ABOVE
 CHILLIE LINDERS
 CLERK OF THE COUNTY COURT,
 TRAVIS COUNTY, TEXAS

Chillie Linders
 (SEAL) DEPUTY



CG-56-028 CG-56-28

STAFF RECOMMENDATION

Staff recommends CS-MU-NP. The recommendation is based on the following considerations:

- 1.) No change to base district is proposed other than a mixed-use overlay;
- 2.) A Neighborhood Plan Amendment is not required as the proposed land use is in conformance with the Future Land Use Map for the Crestview/Wooten Neighborhood Planning Area which allows a diversification of land uses;
- 3.) The proposed mixed-use overlay is compatible with adjacent land uses proposed for the redevelopment of Crestview Station; and
- 4.) Established neighborhoods surround the Crestview Station redevelopment area which allow for a development of a variety of residential land uses.

BASIS FOR RECOMMENDATION

1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The proposed mixed-use overlay will encourage diversification of land uses in a major planned development area and will not be of detrimental impact to the surrounding established neighborhoods.

2. The proposed zoning should promote consistency and orderly planning.

The proposed mixed-use overlay is compatible with the projected land uses for the redevelopment of the Crestview Station.

EXISTING CONDITIONS

Site Characteristics

The subject property is a 0.5 acre (21,780 square feet) site of vacant buildings zoned CS-NP. The property was rezoned on April 1, 2004 by Ordinance No. 040401-32B from CS to CS-NP. This site forms part of the proposed redevelopment of the Crestview Station and future Transit Oriented Development. Banyon Street is a public street proposed for partial vacation.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 3,952 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. The traffic impact analysis for this site was waived because the subject tracts are included in the TIA for Crestview Station submitted with site plan application SP-05-1713C.
4. Capital Metro bus service is available along Lamar Boulevard.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. If water or wastewater utility improvements, or system upgrades, or utility relocation, or adjustments, or offsite main extension are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility.
3. The plan must be in accordance with the City design criteria.
4. The water and wastewater utility construction must be inspected by the City.
5. The landowner must pay the associated City fees.

Site Plan and Compatibility Standards

1. This site would be required to comply with Section 25-2-766.11, Transit Oriented Development.

Rousselln, Jorge

From: Chip Harris [austinchip@hotmail.com]
Sent: Friday, March 24, 2006 10:34 AM
To: Rousselln, Jorge
Cc: bliz@flash.net
Subject: RE: C14-06-0008

RECEIVED

MAR 24 2006

Neighborhood Planning & Zoning

Mr. Rosselin,

Thank you for the additional information on zoning case C14-06-0008. Please be advised that the Crestview Neighborhood Association does not plan to protest this zoning change. If you have any questions, please feel free to contact me at 463-3672.

Chip Harris, President

Crestview Neighborhood Association

cc: Mike Blizzard

3/30/2006

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 918-920 BANYON STREET IN THE CRESTVIEW
3 NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-
4 NEIGHBORHOOD PLAN (CS-NP) COMBINING DISTRICT TO GENERAL
5 COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP)
6 COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from general commercial services-neighborhood plan (CS-NP)
12 combining district to general commercial services-mixed use-neighborhood plan (CS-MU-
13 NP) combining district on the property described in Zoning Case No. C14-06-0008, on file
14 at the Neighborhood Planning and Zoning Department, as follows:

15
16 Lots 5 and 6, Northern Industrial Section 1 Subdivision, a subdivision in the City
17 of Austin, Travis County, Texas, according to the map or plat of record in Plat
18 Book 8, Page 16, of the Plat Records of Travis County, Texas (the "Property"),

19
20 locally known as 918-920 Banyon Street, in the City of Austin, Travis County, Texas, and
21 generally identified in the map attached as Exhibit "A".

22
23 PART 2. The Property is subject to Ordinance No. 040401-32B that established the
24 Crestview neighborhood plan combining district.

25
26 PART 3. This ordinance takes effect on _____, 2006.

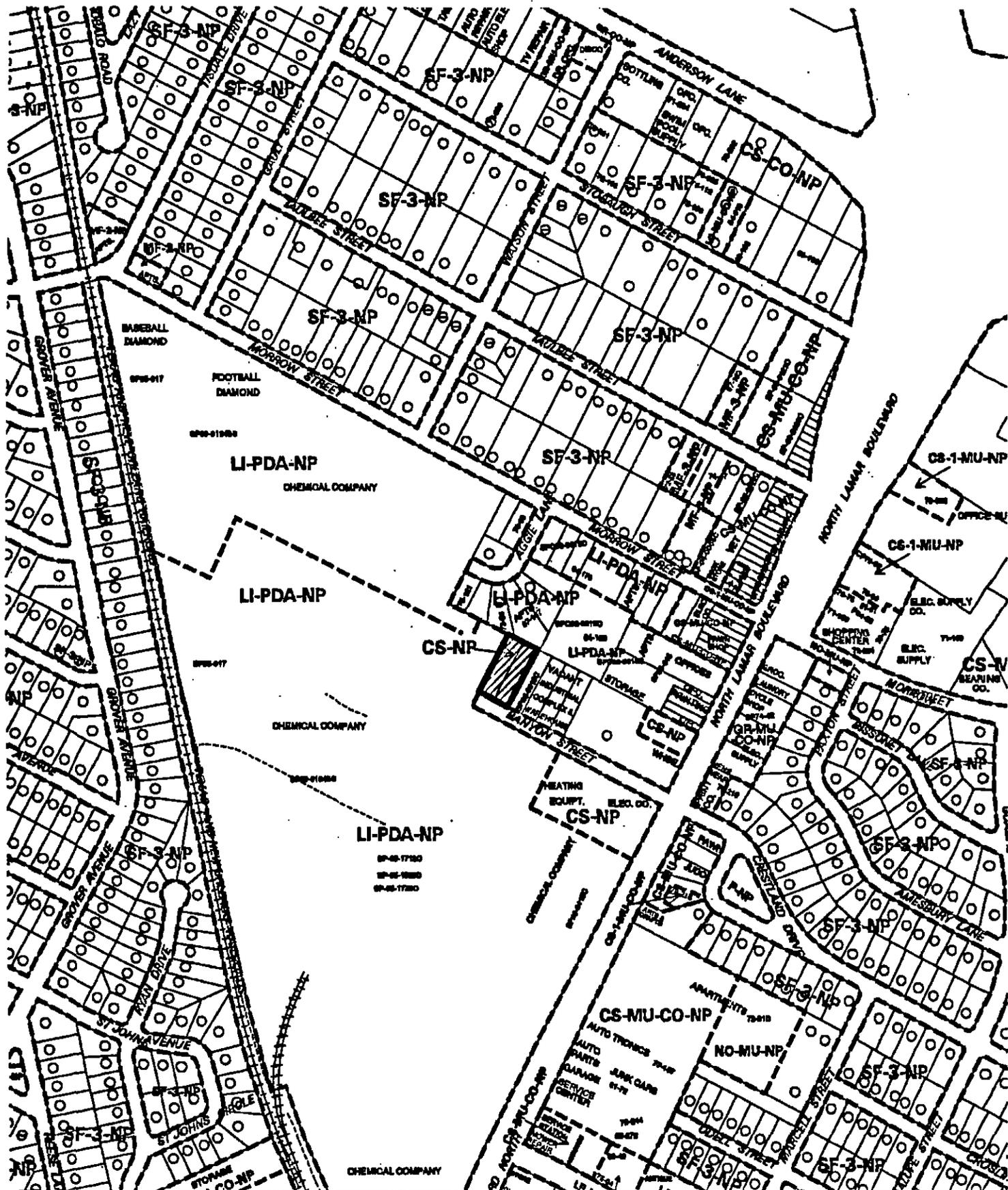
27
28 PASSED AND APPROVED

29 §
30 §
31 _____, 2006 § _____

32 Will Wynn
33 Mayor

34
35
36 APPROVED: _____
37 David Allan Smith
38 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk



<p>1" = 400'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: J.ROUSSELIN</p>	<h3>ZONING EXHIBIT A</h3>		<p>CITY GRID REFERENCE NUMBER</p> <p>K28</p>
	<p>CASE #: C14-06-0008</p>		<p>DATE: 06-03</p>	
	<p>ADDRESS: 918 - 920 BANYON ST</p>		<p>INTLS: 6M</p>	
	<p>SUBJECT AREA (acres): 0.500</p>		<p>LR-MU-CO-NP</p>	